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09/525,926	03/15/2000	Richard A. Smith	62-184	9870

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EXAMINER
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DINH, DUNG C

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 06/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/525,926

Applicant(s)

SMITH ET AL.

Examiner

Dung Dinh

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12, 20-31 and 39-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12, 20-31 and 39-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Google search.

**DETAILED ACTION**

***Response to Arguments***

The amendment filed 4/18/2005 is effective to overcome the rejection based on Bunney in view of Ramasubramani.

The amendment and Applicant's arguments filed 4/18/2005 have been fully considered but they are not persuasive with respect to the rejection based on Burgan in view of Bunney and WebTV.

Applicant again challenges the validity of the date of the WebTV to IRC Proxy debuts on SorceryNet USENET posting. Again, applicant asserts that the posting is not a valid prior art because the date of the posting cannot be verified. Applicant has not provided any evidence to contradict the date of the posting. The posting has two date markings: a "Date" field and a "X-Posting-Creation-Date" header field. Both fields consistently show the posting was posted on 10/18/1999. A search on Google Groups also shows that Goolge's time stamp for the posting is "Oct 18 1999". (See printout attached at the end of this office action). Therefore, the date of the posting is sufficiently authenticated. If applicant persists on challenging the date of the posting, it is applicant's burden to produce evidence showing the invalidity of the date.

Art Unit: 2152

Regarding the art rejection, Applicant asserts that the examiner's reason for combining the references is "nonsensical". Applicant argues that the USENET posting is directing only to WebTV devices; hence applying the teaching of the posting to servicing of mobile devices is "nonsensical". This argument is not persuasive because the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Here, the posting teaches providing a proxy that translates commands from a limited computing device (WebTV) to IRC commands so as to enable the user of the device to fully participate in Internet-Rely-Chat (IRC) as that of a computer user. Hence, given the teaching of the posting, one of ordinary skill in the art implementing a system to permit user of mobile device to fully participate in IRC would have motivated to provide a mobile proxy to translate commands from the mobile device to IRC commands as taught by the posting.

As per the argument concerning the 'ghosting' command, as admitted by Applicant (specification page 28), 'ghosting' is equivalent of the IRC 'mode +i' command. The posting clearly

Art Unit: 2152

discloses the proxy can handle MODE commands. Hence, the system as modified inherently has the capability to send 'ghosting' command.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

**Claims 1-5, 11-12, 20-31, 39-45, 47, 49-50 are rejected under 35 USC 103(a) as being unpatentable over Burgan et al. US patent 6,459,892 and further in view of Bunney et al. US patent 6,446,112; "WebTV to IRC Proxy debuts on SorceryNet", USENET posting in alt.online-service.webtv 10/18/1999.**

As per claim 1, Burgan teaches a method for providing access to chat channel from a mobile device, comprising:

placing a mobile chat proxy server [fig.1 chat proxy 48] in a direct communication path with a wireless gateway server [fig.1 system controller 22] supporting said mobile device;

Art Unit: 2152

non-Internet Relay Chat program for sending messages [fig.8 #160].

Burgan does not teach the chat proxy server connected to a standard Internet Relay Chat (IRC) server.

Bunney teaches a method for permitting mobile device to originate chat session with a standard IRC server by providing a chat proxy server in direct communication with the standard IRC server so that the chat proxy server forwards chat commands from said mobile device to said standard IRC server. [see col.1 lines 18-20, col.3 lines 38-20, col.10 lines 60 to col.11 lines 49].

"WebTV to IRC Proxy debuts on SorceryNet" posting advertised a chat proxy for permitting limited functionality client devices (WebTV) to participate fully (as if they are normal personal computers) in IRC network by facilitating connection, translating and forwarding of commands from the WebTV user to the IRC server.

Hence, one of ordinary skill in the art would have motivate to combine the teaching of Bunney and the posting to provide a chat proxy in communication with a standard IRC server in Burgan because it would have enabled mobile users of Burgan to fully participate in IRC chat sessions as that of a computer user.

As per claim 2, Bunney discloses the mobile device participated in said chat channel [col.11 lines 25-49]. It is

Art Unit: 2152

apparent that two mobile devices, regardless of how they are connected to IRC server, may participate in a chat session when they join the same chat channel.

As per claim 3, Bunney discloses the mobile device being a mobile telephone [col.3 lines 38-20].

As per claim 4, Bunney discloses the mobile device originated the access to the IRC channel [col.12 lines 9-15].

As per claim 5, Bunney and the posting discloses the IRC proxy server interprets the IRC commands from the mobile device [Bunney col.11 line 41-48, col.12 lines 1-11].

As per claim 11, Burgan teaches summoning other mobile device to join a chat channel [col.3 line 65 to col.4 line 9].

As per claims 20-30, and 39-45, 47, 49, they are rejected under the same rationale as for claims 1-11 above.

As per claims 12, 31, and 50, they are rejected under the same rationale as for claim 1 above. The references do not specifically disclose a ghost command. However, ghosting is merely a standard IRC "mode +i" invisible mode command [see Applicant' specification page 28]. It would have been obvious for one of ordinary skill in the art to provide full-set of IRC commands functionality in the proxy server including the ghosting function because it would have enabled full IRC

Art Unit: 2152

commands compatibility and permitted the user to monitor a chatroom without publicly revealing his present.

Claims 6-7, 9-10, and 48 are rejected under 35 USC 103(a) as being unpatentable over Burgan, Bunney; "WebTV to IRC Proxy debuts on SorceryNet", USENET posting in alt.online-service.webtv 10/18/1999 and further in view of Ramasubramani et al US patent 6,314,108.

As per claims 6 and 7, the references do not specifically disclose communication with the mobile device via IWF or SMPP interfaces. These interfaces are well known protocols for communicating data and text to mobile devices (see Ramasubramani col.1 lines 20-29). Hence, it would have been obvious for one of ordinary skill in the art to use IWF and SMPP because it would have ensured the system compatibility with existing mobile devices.

As per claims 9, 10 and 48, it is well known in the art to provide a wireless Internet gateway for connecting a mobile device to the Internet (see Ramasubramani col.1 lines 30-37). IRC chatting requires an access to the Internet; hence, it is inherent that Burgan system as modified would have a wireless Internet gateway. Furthermore, it would have been obvious for one of ordinary skill in the art to provide a wireless Internet



Art Unit: 2152

gateway because it would have enable the wireless clients to browse the Internet as well as participating in IRC network.

Claims 8, 46, 51-56 are rejected under 35 USC 103(a) as being unpatentable over Burgan, Bunney, "WebTV to IRC Proxy debuts on SorceryNet", USENET posting in alt.online-service.webtv 10/18/1999 and further in view of Gudjonsson et al. US patent 6,564,261.

As per claims 8, 46, 51-56, Burgan does not disclose providing the IRC chat function via the mobile device short message service. However it is well known in the mobile communication art to have short message service program and system controller for communicating short message among mobile devices. It is inherent that the system as modified would have short message service capability. Furthermore, in similar field of communication art, Gudjonsson discloses the usage of short message service for mobile user to chat with PC user (see col.3 lines 45-63). Hence, it would have been obvious for one of ordinary skill in the art to use short message service because it would have enabled the system to provide text messaging and chat compatible existing mobile devices.

#### **Conclusion**

Art Unit: 2152

The following references are relevant to the claimed invention:

RFC 1036 - "Standard for Interchange of USENET messages", pages 2-4 discusses the header of the message including the Date field;

WayBackMachine (web.archive.org) 10/21/2000 archived copy of "Help" page from [www.sorcery.net/help](http://www.sorcery.net/help) discussed in the USENET posting "WebTV to IRC proxy debuts on SorceryNet".

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2152

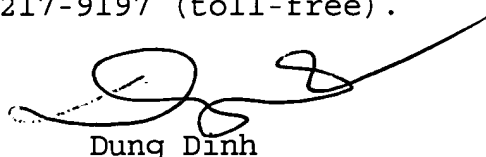
however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Dinh whose telephone number is (571) 272-3943. The examiner can normally be reached on Monday-Friday from 7:00 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached at (571) 272-3949.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dung Dinh  
Primary Examiner  
June 13, 2005